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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,952	01/22/2004	Robert Vincent	BOW1335-047	5966
45684	7590	11/02/2006	EXAMINER	
ROGER A. GILCREST 250 WEST STREET COLUMBUS, OH 43216-7513			MILLER, MARINA I	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20061016

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Commissioner for Patents

The reply filed on 8/14/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the pending claims are not properly numbered and have improper status identifiers. See 37 CFR 1.111.

Original claims 1-92 were filed on 1/22/2004. Applicants also filed a preliminary amendment on 1/22/2004 canceling claims 20-92 in their entirety. However, in response to a Notice of Pre-examination formalities, applicants again filed a full set of claims 1-92 on 6/7/04, wherein claims 20-92 were NOT identified as "cancelled." Based on the claim listing filed 6/7/04, the examiner mistakenly included claims 20-92 in a restriction/election requirement on 5/16/2006. The examiner regrets any confusion resulting from the inclusion of claims 20-92 in the restricted set of claims. In a response filed 6/19/06, applicants elected claims 1-21 and 48-63.

A Notice of Noncompliant Amendment reminding applicant that claims 20-92 were cancelled was mailed on 7/12/06. In a response to that Notice, applicants filed an amendment adding new claim 93, wherein claims 20-92 are listed either as "original" or "withdrawn." The remarks accompanying the claim listing explicitly state that applicants consider at least some of the cancelled claims to be "pending," thus it appears that applicant is unclear as to the status of the claims. Applicant is again reminded that claims 20-92 were cancelled by preliminary amendment on 1/22/2004. Under 37 CFR 1.121, cancelled claims can NOT be reinstated, nor can cancellation or any other properly filed amendment be "revoked." However, the subject matter of cancelled claims may be recaptured under new claim numbers. In this case, new claim numbers should begin with claim 94 and the claims should be identified as "new." The cancelled claims MUST be indicated as "CANCELLED." See 37 CFR 1.121 (c)(5).

This is the second Notice with regard to the cancelled claims. Applicants are encouraged to carefully review their own records, and the IFW record found in PAIR. It is noted that the preliminary amendment filed 1/22/04 canceling claims 20-92 is in the record in public PAIR. Applicant is required to file a new claim listing giving the correct status of all claims.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Miller whose telephone number is (571)272-6101. The examiner can normally be reached on 8-6, M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, Ph. D. can be reached on (571)272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MARJORIE A. MORAN
PRIMARY EXAMINER

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Marjorie A. Moran
10/26/06